

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CADLEROCK III, LLC,

Plaintiff,

v.

ORDER

SUD ASHLAND LLC,
GIAN C. SUD, and NANCY A. SUD,

16-cv-78-jdp

Defendants.

Pursuant to the court's February 5, 2016, order, Dkt. 2, defendants filed an amended notice of removal that alleges all parties' citizenship(s) for purposes of establishing diversity jurisdiction under 28 U.S.C. § 1332. Dkt. 3. The amended notice of removal now makes it abundantly clear that defendants are Wisconsin citizens. *Id.* ¶¶ 14-18. In response, plaintiff has moved to remand the case to the Circuit Court for Ashland County, pursuant to the forum defendant rule. Dkt. 4. The forum defendant rule requires remand.¹

Under 28 U.S.C. § 1441(b)(2), "[a] civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought." Defendants' amended notice of removal shows that defendant Sud Ashland LLC is a citizen of Wisconsin and Illinois; its sole member, a limited partnership, is a citizen of Wisconsin and Illinois because its general and limited partners are all domiciled in either Wisconsin or Illinois. Dkt. 3, ¶¶ 14-16. "[T]he citizenship of an LLC is the

¹ Plaintiff has also filed an objection to defendants' amended notice of removal, Dkt. 5, contending that defendants' "upon information and belief" allegations are insufficient to establish plaintiff's citizenship. The court is not sympathetic to plaintiff's objection, but because the court will remand this case pursuant to 28 U.S.C. § 1441(b)(2), the issue moot.

citizenship of each of its members,” *Camico Mut. Ins. Co. v. Citizens Bank*, 474 F.3d 989, 992 (7th Cir. 2007); the citizenship of a limited partnership is the citizenship of its general and limited partners, *Guar. Nat. Title Co. v. J.E.G. Assocs.*, 101 F.3d 57, 59 (7th Cir. 1996); and an individual’s domicile determines his or her citizenship, *id.* Individual defendants Gian C. Sud and Nancy A. Sud are also domiciled in—and therefore citizens of—Wisconsin. Dkt. 3, ¶¶ 17-18. Plaintiff initially filed this case in Wisconsin state court. The forum defendant rule precludes defendants from removing this action.

ORDER

IT IS ORDERED that:

1. Plaintiff Cadlerock III, LLC’s motion to remand, Dkt. 4, is GRANTED.
2. Plaintiff’s objection to defendants’ amended notice of removal, Dkt. 5, is DENIED as moot.
3. This case is remanded to the Wisconsin Circuit Court for Ashland County. The clerk is directed to return the record to the state court and to mail a certified copy of this order to the clerk of the state court.

Entered February 19, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge